

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/840,145

Examiner: William V. Gilbert

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Inventor: Jack C. LaSee

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Title: *Vision panel frame*

Attorney Docket No. 1764.001

REPLACEMENT SECTIONS FOR APPEAL BRIEF FILED MAY 15, 2009

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Commissioner for Patents

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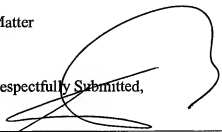
Sir:

In response to the Notification of Non-Complaint Appeal Brief dated June 24, 2009, applicant hereby submits the following replacement sections:

Status of Claims

Summary of Claimed Subject Matter

Respectfully Submitted,



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STATUS OF CLAIMS

Claims 1-7, 9, 11, 14 and 17-20 are currently pending. Claims 8, 10, 12-13 and 15-16 have been canceled. The Examiner has rejected claim 1 under 35 U.S.C. § 112. In addition, the Examiner has rejected claims 1, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,259,818 to Stark (“Stark”) in view of U.S. Patent 4,550,542 to La See (“La See”). The Examiner has rejected claims 1 and 3-6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 1,157,900 to Plym (“Plym”) in view of La See and U.S. Patent 5,987,826 to Petta (“Petta”). The Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Stark in view of La See and Petta. Claims 11, 14 and 17-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Plym. Additionally, the drawings are objected to under 37 C.F.R. 1.83(a).

All of the pending claims have been finally rejected, and the rejection of claims 1-7, 9, 11, 14 and 17-20 is appealed herein. The claims, as they presently stand, are found in the Claims Appendix to this Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

The following summarizes claims 1 and 11 at issue here. The remaining claims are considered to stand or fall with one of the below summarized claims.

Claim 1

The invention of claim 1 relates to a vision panel providing a window in a fire door. Specification ¶ [0002]. Assembly and installation of the vision panel of claim 1 is greatly simplified in that the vision panel of claim 1 may be installed by a single person. Specification ¶ [0011]. Proper installation of prior vision panel designs typically requires two people – one person to hold one frame half against one side of the door and a second person (positioned on the opposite side of the door) to position the glass and install screws that hold the frame halves together. Specification ¶ [0004]. Thus, the vision panel of claim 1 greatly improves over prior designs.

Single-person installation is enabled by the unique design of the invention of claim 1. Specifically, Claim 1 is an independent apparatus claim that recites a vision panel (10) for assembly in an opening passing through a door (11). Specification ¶ [0033]. The vision panel has first and second flange units (23) each comprising a rectangular frame (18, 20). Specification ¶ [0004]; *see also* Fig. 2 of the present application, wherein frame (20) corresponds with first flange unit (23) and frame (18) corresponds with second flange unit (23). The rectangular frames (18, 20) each have four sides attached at corners by welds (38). Specification ¶ [0039]; *see also* Fig. 2. The vision panel (10) further includes sash elements (24) from each of the first and second flange units (23). Specification ¶ [0036]. The sash elements (24) capture the transparent pane (32) within the opening. *See* FIG. 3.

The vision panel (10) further includes at least one retention member (40) that is attached to the first flange unit (23), i.e., the one corresponding with frame (20). Specification ¶ [0040]. The retention member (40) extends into the opening beyond a position of the transparent pane (32) with respect to the first flange unit (23) when positioned between the sash elements. *See* FIG. 3. The retention member (40) has an end (46) that is unobstructed by the first flange unit (23) when the first flange unit (23) is in a position for assembly, i.e., when it is placed in the opening. *See* FIG. 3. A spike (50) is positioned on the first end (46) to affix the first end (46) to a core material of a sill surface of the opening to retain the retention member (40) in the opening. Specification ¶ [0042]. The spike (50) is sized, oriented and positioned to be driven into the core material by a hammer. The vision panel (10) further includes at least one fastener (36) that is adapted to draw the first and second flange units (23) together against the pane (32). Specification ¶ [0044].

The sash elements (24) include flanges (30) extending generally parallel to the transparent pane (32). *See* Fig. 3. Ends of the flanges (30) flex to provide inwardly spring-biased sharp edge portions in contact with the pane (32) wherein the sharp edge portions will embed in the pane (32) to grip the pane when the pane becomes semi-molten in fire. Specification ¶ [0045].

Claim 11

As with the invention of claim 1, the invention of claim 11 relates to a vision panel providing a window in a fire door. Specification ¶ [0002]. The vision panel of the claim 11 may be installed by a single person, thus simplifying installation. Specification ¶ [0011]. As discussed above, proper installation of prior vision panel designs typically requires two people — one person to hold one frame half against one side of the door and a second person (positioned

on the opposite side of the door) to position the glass and install screws that hold the frame halves together. Specification ¶ [0004]. Thus, the invention of claim 11 greatly improves over prior designs.

Single-person installation is enabled by the unique design of the invention of claim 11. Specifically, Claim 11 is an independent apparatus claim that recites a vision panel (10) for assembly in an opening passing through a door (11). Specification ¶ [0033]. The vision panel has first and second flange units (23) sized to frame the opening and about front face (12) and rear face (14) of the door (11). Specification ¶ [0035]; *see also* Figs. 2 and 3. The vision panel (10) further includes sash elements (24) that are adapted to extend into the opening from each of the first and second flange units (23). Specification ¶ [0036]. The sash elements (24) hold a transparent pane (32) between the respective sash elements (24) within the opening. *See* Fig. 3.

The vision panel (10) further includes at least one spring member (52) attached to the first flange unit (23) that extends into the opening to support on a cantilevered tab (46). Specification ¶ [0043]; *see also* Fig. 3, wherein the first flange unit (23) is shown adjacent the rear face (14) of the door (11). The spring member (52) has a threaded socket (54) that is spring-biased toward the first flange unit (23) along a direction therethrough the opening. Specification ¶ [0045].

The vision panel (10) further includes a threaded fastener (36) that is adapted to engage the second flange unit (23) and the threaded socket (54) to draw the first and second flange units (23) and the sash elements (24) together against the pane (32). Specification ¶ [0044].

The threaded fastener (36) includes a head and a shank. Specification ¶ [0045]. The shank includes a non-threaded section (58) between the head and a threaded section (56). Specification ¶ [0045]. The non-threaded section (54) limits a depth of engagement of the

threaded fastener (36) with the threaded socket (54) at a point where a threaded portion of the threaded socket (54) is drawn over the non-threaded section (58) to substantially disengage with the fastener threads as the threaded fastener (36) is advanced. Specification ¶ [0045]; *see* also Fig. 5. The limited depth of engagement provides a predetermined compressive force of the sash elements (24) against the pane (32). Specification ¶ [0045].